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9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TERRANCE JOHN COX,

15 Defendant.

16 CASE NO. 1:22-CR-00214-ADA-BAM

17 STIPULATION REGARDING EXCLUDABLE  
18 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
19 FINDINGS AND ORDER

20 DATE: January 11, 2023

21 TIME: 1:00 p.m.

22 COURT: Hon. Barbara A. McAuliffe

23 This case is set for status conference on January 11, 2023. As set forth below, the parties now  
24 move, by stipulation, to continue the status conference to April 12, 2023, and to exclude the time period  
25 between January 11, 2023 and April 12, 2023 under the Speedy Trial Act.

26 **STIPULATION**

27 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
28 through defendant's counsel of record, hereby stipulate as follows:

29 1. By previous order, this matter was set for status on January 11, 2023.

30 2. By this stipulation, defendant now moves to continue the status conference until April 12,  
31 2023, and to exclude time between January 11, 2023, and April 12, 2023, under 18 U.S.C. §  
32 3161(h)(7)(A), (B)(ii), B(iv) [Local Codes T2 and T4].

33 3. The parties agree and stipulate, and request that the Court find the following:

34 a) The government has represented that the discovery associated with this case is

1 voluminous and includes large amounts of digital forensic evidence, several hundreds of  
2 thousands of pages of financial records and reports, evidence obtained by search warrant, and  
3 extensive other evidence. All of this discovery has been either produced directly to counsel  
4 and/or made available for inspection and copying. The government has also copied digital  
5 evidence onto a hard drive provided by the defense, and produced that material to the defense.

6 b) Counsel for defendant desires additional time to consult with his client, to review  
7 the current charges, to conduct further investigation and research related to the charges, to  
8 receive and continue to review voluminous discovery including any supplemental discovery, to  
9 discuss potential resolution with government counsel, and to evaluate potential pretrial motions.  
10 Additionally, defense will be in a state court trial in late January that is anticipated to last several  
11 weeks. Thus, a continuance of the status conference is necessary for continuity of counsel and to  
12 facilitate defense investigation and preparation.

13 c) Counsel for defendant believes that failure to grant the above-requested  
14 continuance would deny him the reasonable time necessary for effective preparation, taking into  
15 account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above-stated findings, the ends of justice served by continuing the  
18 case as requested outweigh the interest of the public and the defendant in a trial within the  
19 original date prescribed by the Speedy Trial Act.

20 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
21 et seq., within which trial must commence, the time period of January 11, 2023 to April 12,  
22 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv)  
23 [Local Codes T2 and T4] because it results from a continuance granted by the Court at  
24 defendant's request on the basis of the Court's finding that the ends of justice served by taking  
25 such action outweigh the best interest of the public and the defendant in a speedy trial.

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1       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4       IT IS SO STIPULATED.

5       Dated: January 4, 2023

6       PHILLIP A. TALBERT  
United States Attorney

7       \_\_\_\_\_  
8       /s/ HENRY Z. CARBAJAL III  
HENRY Z. CARBAJAL III  
9       Assistant United States Attorney

10       Dated: January 4, 2023

11       \_\_\_\_\_  
12       /s/ MARK W. COLEMAN  
MARK W. COLEMAN  
Counsel for Defendant  
13       Terrance John Cox

14       **ORDER**

15       IT IS SO ORDERED that the status conference is continued from January 11, 2023, to **April 12,**  
16 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18  
17 U.S.C. § 3161(h)(7)(A), (B)(ii), B(iv).

18       IT IS SO ORDERED.

19       Dated: January 4, 2023

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/s/ Barbara A. McAuliffe

21       UNITED STATES MAGISTRATE JUDGE